Page 2 Dkt: 875.092US1

In the Claims

Please amend the claims as follows:

- 1. (Currently Amended) A method to detect vanA in a sample, comprising:
- a) contacting a sample suspected of comprising amplified *vanA* nucleic acid with at least one *vanA*-specific oligonucleotide probe under high stringency hybridization conditions effective to form a hybrid between the *vanA*-specific oligonucleotide probe and *vanA* nucleic acid in the sample, wherein the *vanA*-specific oligonucleotide probe <u>under high stringency conditions</u> hybridizes to sequences which include sequences substantially corresponding to SEQ ID NO:3, the complement thereof, or a portion thereof and comprises sequences which include sequences substantially corresponding to nucleotides 870 to 896 (SEQ ID NO:3) of the *vanA* gene, the complement thereof, or a portion of the sequences substantially corresponding to nucleotides 851 to 868 (SEQ ID NO:2) of the *vanA* gene, the complement thereof, or a portion of the sequences substantially corresponding to nucleotides 851 to 868 or the complement thereof, or and sequences substantially corresponding to nucleotides 851 to 868 or the complement thereof, or and sequences substantially corresponding to nucleotides 898 to 917 (SEQ ID NO:4) of the *vanA* gene, the complement thereof, or a portion of the sequences substantially corresponding to nucleotides 898 to 917 or the complement thereof; and
 - b) detecting or determining the presence or amount of hybrid formation, wherein hybrid formation is indicative of *vanA* nucleic acid in the sample.
 - 2. (Withdrawn) A method to detect vanB in a sample, comprising:
 - a) contacting a sample suspected of comprising amplified vanB nucleic acid with at least one vanB-specific oligonucleotide probe under high stringency hybridization conditions effective to form a hybrid between the vanB-specific oligonucleotide probe and vanB nucleic acid in the sample, wherein the vanB-specific oligonucleotide probe comprises sequences which include sequences substantially corresponding to nucleotides 387 to 404 of the vanB gene, the complement thereof, or a portion thereof, sequences substantially corresponding to nucleotides 406 to 423 of the vanB gene, the complement thereof, or a portion thereof, or sequences

AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116

Serial Number: 10/661,094

Filing Date: September 12, 2003

Title: METHOD AND KIT FOR IDENTIFYING VANCOMYCIN-RESISTANT ENTEROCOCCUS

- 6. (Withdrawn) The method of claim 3 wherein one vanA-specific oligonucleotide primer comprises sequences corresponding to the complement of nucleotides 898 to 919 of the vanA gene or a portion thereof.
- 7. (Withdrawn) The method of claim 3 wherein the presence or amount of amplified nucleic acid is detected or determined with an oligonucleotide probe comprising sequences corresponding to nucleotides 870 to 896 of the *vanA* gene, the complement thereof or a portion thereof.
- 8. (Currently Amended) The method of claim 1 wherein one the vanA-specific oligonucleotide probe comprises sequences corresponding to nucleotides 870 to 896 of the vanA gene, the complement thereof or the portion thereof is no more than 50 nucleotides in length and has at least 10 contiguous nucleotides of SEQ ID NO:3 or the complement thereof.
- 9. (Currently Amended) The method of claim 8 wherein the amplified nucleic acid is obtained by amplifying a biological sample comprising nucleic acid with at least one vanA-specific oligonucleotide primer comprising sequences corresponding to nucleotides 851 to 868 of the vanA gene SEQ ID NO:2 or the portion thereof, or sequences corresponding to the complement of nucleotides 898 to 917 of the vanA gene SEQ ID NO:4 or the portion thereof.
- 10. (Withdrawn) The method of claim 4 wherein one *vanB*-specific oligonucleotide primer comprises sequences corresponding to nucleotides 387 to 404 of the *vanB* gene or a portion thereof.
- 11. (Withdrawn) The method of claim 4 wherein one *vanB*-specific oligonucleotide primer comprises sequences corresponding to the complement of nucleotides 426 to 446 of the *vanB* gene or a portion thereof.
- 12. (Withdrawn) The method of claim 4 wherein the presence or amount of amplified nucleic acid is detected or determined with an oligonucleotide probe comprising sequences